

**OFFICE OF SCIENCE ARGONNE SITE OFFICE (ASO), STANDARD OPERATING
PROCEDURE (SOP) 14: DAVIS-BACON DETERMINATIONS**

A. OBJECTIVE:

The Davis-Bacon Act, as amended (40 U.S.C. 276a – 276a7), requires that all laborers and mechanics employed on contracts and subcontracts in excess of \$2,000 for construction, alteration or repair, including painting and decorating of a public building or public work, be paid not less than the prevailing wage rate as determined by the Secretary of Labor. Both the Department of Energy Acquisition Regulations (DEAR) (Part 970.2204-1-1) and the Department of Energy Acquisition Guide (Chapter 22.1) provide guidance for determining the applicability of the Act to contracts/subcontracts involving operational and maintenance activities.

This procedure establishes a process within ASO for review and determination of Davis-Bacon Act applicability to construction, alteration or repair, (including painting and decorating) and environmental clean-up at Argonne National Laboratory (ANL). This procedure is intended for use in conjunction with the Argonne Site Office Operational Awareness Program Description. These documents form the framework for the ASO ES&H oversight program in accordance with DOE Policy 450.4, Safety Management System Policy.

B: SCOPE: This procedure applies to ASO.

C. REFERENCES:

1. The Davis-Bacon Act, 40 U.S.C. 276a
2. FAR Subpart 22.4 – Labor Standards for Contracts Involving Construction
3. DEAR 970.2204-1-1, “Administrative Controls and Criteria for Application of the Davis-Bacon Act in Operational or Maintenance Activities”
4. Department of Energy Acquisition Guide; Chapter 22.1 – Labor Standards for Construction
5. Chicago Operations Office (CH) Announcement No. 011, dated December 9, 2002, “Chicago Operations Office (CH) Labor Standards Committee”
6. DOE Order P 413.1, Program and Project Management Policy for the Planning, Programming, Budgeting, and Acquisition of Capital Assets, dated 06/10/2000
7. ASO Operational Awareness Program Description

D. RESPONSIBILITIES:

1. ASO Site Manager (or Designee)

- a. Serves as Chairperson for the ASO Davis-Bacon Committee that also includes a member of the ASO-Infrastructure and Project Management (IPM) and ASO-Business Management Team (BMT).
 - b. Makes determinations regarding the applicability of the Davis-Bacon Act to construction and environmental clean-up projects at ANL, except those determinations for which the Manager, CH retains exclusive authority.
2. Supervisor/Team Leader, ASO-IPM (or Designee)
 - a. Designates and assigns an ASO-IPM Project Manager (PM) as the ASO Davis-Bacon representative.
 3. Supervisor/Team Leader, ASO-BMT (or Designee)
 - a. Designates and assigns a member of the ASO-BMT to the ASO Davis-Bacon Committee.
 4. Project Manager, ASO-IPM
 - a. Responsibilities included under the Procedural Process.
 5. ASO Davis-Bacon Committee
 - a. Reviews all requests for Davis-Bacon Determinations and make recommendation to the ASO Site Manager.
 - b. Acts as the ASO point of contact with the Executive Secretary of the CH Davis-Bacon Committee when advice or counsel is required.

E. PROCEDURAL PROCESS:

1. Responsibility for reviewing and recommending actions on Davis-Bacon Determinations lies with the ASO Davis-Bacon Committee. The assigned ASO-IPM-PM will assist the Davis-Bacon Committee by coordinating with ANL on issues and requested information.
2. Requests for Davis-Bacon Determinations are submitted by ANL to ASO, on Department of Energy Chicago Office (DOE-CH) Form 164 (CH Form 164 is available on the CH Bulletin Board folder list under #L, CH Forms) for each construction, alteration and/or repair project estimated at \$2,000 or more. Sufficient information for the proposed project is needed to fully explain the scope of the project, including the proposed method of procurement and accomplishment, and including a breakdown of estimated cost.
3. The ASO Davis-Bacon Committee will review each request and recommend applicability/non-applicability of the Davis-Bacon Act to the ASO Manager. Determinations are signed by the

ASO Manager or by an ASO Contracting Officer and forwarded to the Laboratory. Copies of Davis-Bacon Determinations will be kept in the ASO-IPM files.

4. The ASO Davis-Bacon Committee will routinely survey the procurement and enforcement methods employed by ANL for compliance with the provisions of the Davis-Bacon Act. Such surveillance includes assurance that requests for determinations are submitted for all covered work, that Davis-Bacon Labor Standard Requirements are included in all solicitations and contract documents, and that compliance is being assured by interviews with employees of the subcontractor and reviews of payroll documentation.